

## § 381.304

under subpart I of the Commission's Rules of Practice and Procedure, 18 CFR part 385, subpart I (1983), is \$30,560. The fee must be submitted in accordance with subpart A of this part.

(b) If the amount in controversy is below \$30,000, then the fee to file a petition for review of a DOE remedial order is reduced as follows:

	Fee
Amount in controversy:	
\$0 to \$9,999 .....	\$100
\$10,000 to \$29,999 .....	600

(c) In order to qualify for the fees in paragraph (b) of this section, the check must be accompanied by an affidavit by the petitioner that states the amount in controversy.

[Order 395, 49 FR 35356, Sept. 7, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 381.303, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## § 381.304 Review of Department of Energy denial of adjustment.

(a) Except as provided in § 381.304(b), the fee established for filing a petition for review of a Department of Energy denial of an adjustment request under subpart J of the Commission's Rules of Practice and Procedure, 18 CFR part 385, subpart J (1983), is \$16,020. The fee must be submitted in accordance with subpart A of this part.

(b) If the amount in controversy is below \$30,000, then the fee to file a petition for review of a DOE denial of an adjustment is reduced as follows:

	Fee
Amount in controversy:	
\$0 to \$9,999 .....	\$100
\$10,000 to \$29,999 .....	600

(c) In order to qualify for the fees in paragraph (b) of this section, the check must be accompanied by an affidavit by the petitioner that states the amount in controversy.

[Order 395, 49 FR 35356, Sept. 7, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 381.304, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## 18 CFR Ch. I (4–1–08 Edition)

## § 381.305 Interpretations by the Office of the General Counsel.

(a) Except as provided in paragraph (b) of this section, the fee established for a written interpretation by the Office of the General Counsel of any statute or implementing regulation under the jurisdiction of the Commission is \$6,000. The fee must be submitted in accordance with subpart A of this part and § 385.1901 or § 388.104 of this chapter.

(b) No fee is necessary to file a request for a written interpretation by the Office of the General Counsel that solely concerns matters under Part I of the Federal Power Act.

(c) A person claiming the exemption provided in paragraph (b) of this section must file an original and two copies of a petition for exemption in lieu of a fee along with the request for a written interpretation. The petition for exemption should summarize the issues raised in the request for a legal opinion and explain why the exemption is applicable. The Commission or its designee will analyze each petition to determine whether the petition has met the standards for exemption and will notify the applicant whether it is granted or denied. If the petition is denied, the applicant will have 30 days from the date of notification of the denial to submit the appropriate fee to the Commission.

[Order 494, 53 FR 15382, Apr. 29, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 381.305, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## Subpart D—Fees Applicable to the Natural Gas Policy Act of 1978

## § 381.401 Review of jurisdictional agency determinations.

The fee established for review of a jurisdictional agency determination is \$115. The fee must be submitted in accordance with subpart A of this part and § 270.301(c) of this chapter.

[Order 616, 65 FR 45872, July 26, 2000]

## § 381.403 Petitions for rate approval pursuant to § 284.123(b)(2).

The fee established for a petition for rate approval pursuant to § 284.123(b)(2)

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is \$10,420. Such fee must be submitted in accordance with subpart A of this part and § 284.123(b)(2).

[Order 394, 49 FR 35365, Sept. 7, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 381.403, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 381.404 [Reserved]

### Subpart E—Fees Applicable to Certain Matters Under Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act

#### § 381.501 Applicability.

The fees set forth in this subpart apply to filings submitted on or after November 4, 1985.

[Order 435, 50 FR 40358, Oct. 3, 1985]

#### § 381.505 Certification of qualifying status as a small power production facility or cogeneration facility.

(a) Unless the Commission orders direct billing under § 381.107 of this chapter or otherwise, the fee established for an application for Commission certification as a qualifying small power production facility, as defined in section 3(17) of the Federal Power Act, is \$18,000 and the fee established for an application for Commission certification as a qualifying cogeneration facility, as defined in section 3(18) of the Federal Power Act, is \$20,380.

(b) The fee filed under this section must be submitted in accordance with subpart A of this part and § 292.207(b)(2) of this chapter.

[Order 494, 53 FR 15382, Apr. 29, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 381.505, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### Subpart F [Reserved]

### Subpart G—Fees Applicable to the Interstate Commerce Act and Related Authorities [Reserved]

## PART 382—ANNUAL CHARGES

### Subpart A—General Provisions

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- 382.101 Purpose.
- 382.102 Definitions.
- 382.103 Payment.
- 382.104 Enforcement.
- 382.105 Waiver.
- 382.106 Accounting for annual charges paid under part 382.

### Subpart B—Annual Charges

- 382.201 Annual charges under Parts II and III of the Federal Power Act and related statutes.
- 382.202 Annual charges under the Natural Gas Act and Natural Gas Policy Act of 1978 and related statutes.
- 382.203 Annual charges under the Interstate Commerce Act.

AUTHORITY: 5 U.S.C 551-557; 15 U.S.C 717-717w, 3301-3432; 16 U.S.C. 791a-825r, 2601-2645; 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

SOURCE: Order 472, 52 FR 21292, June 5, 1987, unless otherwise noted.

### Subpart A—General Provisions

#### § 382.101 Purpose.

The purpose of this part is to establish procedures for calculating and assessing annual charges to reimburse the United States for all of the costs incurred by the Commission, other than costs incurred in administering Part I of the Federal Power Act and costs recovered through the Commission's filing fees.

#### § 382.102 Definitions.

For the purpose of this part:

(a) *Natural gas pipeline company* means any person:

(1) Engaged in natural gas sales for resale or natural gas transportation subject to the jurisdiction of the Commission under the Natural Gas Act whose sales for resale and transportation exceed 200,000 Mcf at 14.73 psi (60°F) in any of the three calendar years immediately preceding the fiscal year for which the Commission is assessing annual charges; and

(2) Not engaged solely in "first sales" of natural gas as that term is defined in section 2(21) of the Natural Gas Policy Act of 1978; and